

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

O I P E
JUN 27 2006
PATENT & TRADEMARK OFFICE

In re Application of

Chee, Mark S., et al.

Application No.: 09/513,362

Filed: February 25, 2000

For: NUCLEIC ACID SEQUENCING USING MICROSPHERE ARRAYS

: Customer Number: 41552
 : Confirmation Number: 7034
 : Tech Center Art Unit: 1637
 : Examiner: T. Strzelecka

CERTIFICATE OF MAILING BY EXPRESS MAIL(37 CFR § 1.10)

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 27, 2006.

Lorraine Smith

**NOTICE OF APPEAL
FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated February 21, 2006 of the Primary Examiner finally rejecting claims 1-38 and 40-43 .

Appeal Fee: \$ 250.00

- Not required (fee paid in prior appeal in this application).
- Charge to Deposit Account No. 502624.
- Check Enclosed.

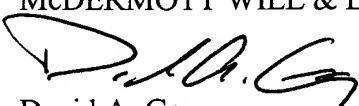
09/513,362

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



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Date: June 27, 2006

**Please recognize our Customer No. 41552
as our correspondence address.**

SDO 45234-1.067234.0056